REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 3-5 are presently pending in this case. Claims 1, 3, and 4 are amended, Claim 2 is canceled without prejudice or disclaimer, and new Claim 5 is added by the present amendment. As amended Claims 1, 3, and 4 and new Claim 5 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, Claims 1-4 were rejected under 35 U.S.C. §102(b) as anticipated by Itoh et al. (U.S. Patent No. 5,280,464, hereinafter "Itoh").

The abstract is amended herewith to place it in conformance with U.S. practice. No new matter is added.

The outstanding rejection is respectfully traversed.

Amended Claims 1 and 3 recite in part:

> a collimate lens configured to collimate optical beams outputted from a light source to parallel light; and
>
> an objective lens configured to collect the optical beams transferred to parallel light by the collimate lens and applying the beams to the optical disk,
>
> wherein mounting angles of the collimate lens and the objective lens are configured ***such that a 0° direction astigmatism of the collimate lens and a 0° direction astigmatism of the objective lens are offset by each other*** and a 45° direction astigmatism of the collimate lens and a 45° direction astigmatism of the objective lens are offset by each other, and
>
> ***the collimate lens and the objective lens include gates from resin injection, the gates being reference positions for adjusting the mounting angles***.

Itoh describes a focus here correcting system including collimator lens 12, objective lens 21, and astigmatism generating element 80.[2] The outstanding Office Action cited objective lens 21 of Itoh as "an objective lens" and astigmatism generating element 80 of Itoh

[1]See, e.g., original Claim 2 and the specification at paragraph 41 of the publication of the application.
[2]See Itoh, Figure 1 and column 2, lines 46-56.

as "a collimate lens."[3] However, it is initially noted that Itoh clearly describes that collimator lens 12 collimates the light from laser 11, and thus parallel light beams are incidence on astigmatism generating element 80.[4] Accordingly, astigmatism generating element 80 of Itoh does not in fact collimate any light beams. Thus, astigmatism generating element 80 of Itoh cannot be "a collimate lens" as defined in amended Claims 1 and 3.

Further, Itoh clearly describes that astigmatism in the AS1 direction (respectfully submitted to be the 0° direction as defined by the present application) is necessary to measure the focus error signal. The device of Itoh only attempts to remove astigmatism in the AS2 direction. As clearly shown in Figure 5 of Itoh, significant astigmatism remains in the AS1 direction, and is necessary for the device of Itoh to function correctly. Column 4, lines 40-52 of Itoh clearly describe that astigmatism in the AS1 direction is ***not*** corrected, as it has no effect on F/T crosstalk. In fact, column 4, lines 48-52 describe that one strategy for removing AS2 direction astigmatism is to direct it into the AS1 direction. Therefore, it is respectfully submitted Itoh does not teach or suggest "mounting angles of the collimate lens and the objective lens are configured such that ***0° direction astigmatisms of the collimate lens and the objective lens are offset by each other***" and in fact teaches to the contrary.

Moreover, as removing the astigmatism in the AS1 direction would cause the device of Itoh to be unsuitable for its intended purpose, there can be no suggestion or motivation to modify Itoh with any other reference to create the claimed invention.

Finally, with regard to original Claim 2, the outstanding Office Action cited column 2, lines 56-68 of Itoh as describing this subject matter. However, the cited portion of Itoh does not describe that any of collimator lens 12, objective lens 21, and astigmatism generating element 80 include gates from resin injection. Accordingly, Itoh also cannot teach or suggest

[3]See the outstanding Office Action at page 2, lines 14-19.
[4]See Itoh, Figure 1 and column 2, lines 49-55.

that mounting angles of any of collimator lens 12, objective lens 21, and astigmatism generating element 80 are adjusted using such a gate as a reference position.

Consequently, as Itoh does not teach "a collimate lens" and "an objective lens" as defined in Claims 1 and 3, Claims 1 and 3 are not anticipated by Itoh and is patentable thereover.

Amended Claim 4 recites in part:

> ***adjusting of mounting angles of the collimate lens and the objective lens so that 0° direction astigmatisms of the collimate lens and the objective lens themselves are offset by each other***, based on the measured astigmatism of each of the collimate lens and the objective lens in mounting the collimate lens and the objective lens on the optical pickup, ***the adjusting including adjusting the mounting angles of the collimate lens and the objective lens using the gates as reference positions***.

As noted above, not only does Itoh fail to teach removing astigmatism in the AS1 direction, Itoh describes that removing astigmatism in the AS1 direction is unnecessary. In fact, Itoh describes that one strategy for removing astigmatism in the AS2 direction is to convert this into astigmatism in the AS1 direction. Finally, Itoh does not describe that any of collimator lens 12, objective lens 21, and astigmatism generating element 80 include gates from resin injection. Accordingly, Itoh also cannot teach or suggest adjusting mounting angles of any of collimator lens 12, objective lens 21, and astigmatism generating element 80 using such a gate as a reference position. Consequently, as Itoh does not teach "adjusting" as defined in Claim 4, Claim 4 (and Claim 5 dependent therefrom) is not anticipated by Itoh and is patentable thereover.

Further, as removing the astigmatism in the AS1 direction would cause the method of Itoh to be unsuitable for its intended purpose, there can be no suggestion or motivation to modify Itoh with any other reference to create the claimed invention.

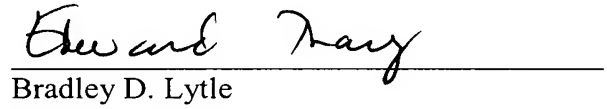
New Claim 5 is supported at least by the specification at paragraph 41. New Claim 5 dependent on Claim 4, and thus is believed to be patentable for at least the reasons described

above with respect to this claim. In addition, Claim 5 recites subject matter that further patentably defines over Itoh. Consequently, Claim 5 is also patentable over Itoh.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy, Jr.
Registration No. 47,998

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

I:\ATTY\ET\289949US\289949US-AMD1.16.09.DOC